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Application No. 10/756,057

Remarks

Applicants thank the Examiner for her careful consideration of the application.

Claims 1 – 8 are pending in the application.

Allowable Subject Matter

The Examiner has withdrawn the decision to allow claim 3 in view of the Tachihara reference (US Patent No. 6,280,020).

Claim Rejections – 35 USC § 103

Claims 1, 5, 6 and 7 are rejected under 35 USC § 103(a) as being unpatentable over Nakamura et al (US Patent No. 6,488,355) ("Nakamura") in view of Tachihara et al (US Patent No. 6,280,020) ("Tachihara"). Applicants respectfully traverse these rejections.

In claim 1, a drop emitting device that includes an array of finger manifolds, each finger manifold having longitudinally separated first and second ends, wherein the first end comprises a fluid receiving end, a plurality of drop generators, each fluidically coupled to one of the finger manifolds, and a respective vent structure fluidically coupled to each of the finger manifolds for damping pressure perturbations in such finger manifold. The vent structure comprises a plurality of apertures disposed at the second end of each of the finger manifolds.

The Examiner should allow claim 1 as the Examiner has failed to establish a prima facie case of obviousness. Specifically, the Examiner should withdraw the rejections to claim 1 as the Examiner has failed to establish that the references or the prior art in general teach all the limitations of claim 1. In order to sustain an obviousness rejection under 35 USC § 103(a), the Examiner must show that a combination of the cited references teach or suggest all the limitations of the claim being rejected. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Claim 1 recites a drop emitting device including an array of finger manifolds and a respective vent structure fluidically coupled to each of the finger manifolds, wherein the vent structure comprises a plurality of apertures disposed at an end of each of the finger manifolds. The Examiner asserts that Tachihara discloses this limitation in elements 13 of

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Figure 4. However, while elements 13 may be apertures, elements 13 do not appear to be located at an end of the liquid passage shown in Figure 4. Applicants explicitly claim that they are at the end of the finger manifold opposite the fluid receiving end. As the Examiner has failed to show that the combination of references teaches or suggests all the limitations of claim 1, the Examiner should withdraw the rejection to claim 1.

Claims 5 – 7 should be allowed if claim 1 is allowed as claims 5 – 7 depend from claim 1.

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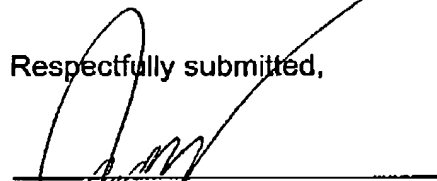
Conclusion

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No additional fee is believed to be required for this amendment. However, the undersigned Xerox Corporation attorney hereby authorizes the charging of any necessary fees, other than the issue fee, to Xerox Corporation Deposit Account No. 24-0025. This also constitutes a request for any needed extension of time and authorization to charge all fees therefor to Xerox Corporation Deposit Account No. 24-0025.

A telephone interview is respectfully requested at the number listed below prior to any further Office Action, i.e., if the Examiner has any remaining questions or issues to address after this paper. The undersigned will be happy to discuss any further Examiner-proposed amendments as may be appropriate.

Respectfully submitted,



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